IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.8179 OF 2005

Mr.Lloyd Machado & Ors. .. Applicants
Versus
State of Maharashtra .. Respondent

Mr.E.B.Dixit i/b. P.R.Yadav for applicants
Mr.S.S.Tatkare, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 19th December 2005.
P.C.

. Heard Mr.Dixit for applicants and Mr.Tatkare, A.P.P. for State.

2. From a perusal of application and the order passed by the learned Principal Judge, City Civil and Sessions Court, it appears that the applicants were working as Waiters in a Pub and coupons which are given to the customers have not been accounted for by them. It is upon this allegation that the C.R. has been registered

alleging offence punishable under section 408 of I.P.C.

3. The sessions court has recorded that applicants have admitted that a sum of Rs.9,320/- has not been accounted for. He has recorded statement of learned A.P.P. that details pertaining to further amounts are in progress.

4. In my view, applicants who were working as Waiters at a Pub and having no criminal antecedents as also assuring full cooperation in the investigation, need not be detained in custody. More so, when the offence alleged is non accounting of monies collected pursuant to the coupons issued to the customers. Mr.Dixit states that details of all coupons including amounts would be furnished to the investigating authority. Further applicants are ready and willing to attend police station as and when summoned. He also assures that the applicants

will not leave city of Mumbai without permission of the Court. In the light of the above, following order:-

i) In the event of the arrest of applicants in connection with C.R.No.488 of 2005 registered with Santacruz police station, they shall be enlarged on bail in the sum of Rs.5,000/- each with one surety in the like amount.

ii) Initially for a week the applicants shall report to Santacruz Police Station every day between 10.00 a.m. and 12.00 noon and thereafter as and when summoned.

iii) Bail is granted subject to condition that the applicants shall not, directly or indirectly make any inducement, threat or promise to any

person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the police authority. Applicants shall not tamper with prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter he will be free to apply to the appropriate court for appropriate relief.

vi) Application disposed of.

vii) All concerned to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)